

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WESTCHESTER DISABLED ON THE MOVE, INC.  
and MICHAEL HELLMANN,

Civil Action No. 16-CV-03960

Plaintiffs,

-against-

CONSENT DECREE

PUTNAM COUNTY and  
PUTNAM GOLF INC.,

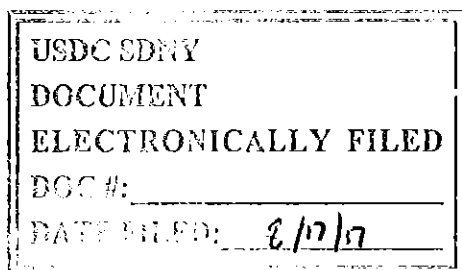
Defendants.  
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WHEREAS Plaintiffs have commenced this action alleging certain violations of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-34; the Rehabilitation Act, 29 U.S.C. §§ 794(a) *et seq.*; and the New York State Human Rights Law N.Y. Exec. Law §§ 296 *et seq.* by Defendants;

WHEREAS the parties agree that Defendant Putnam Golf Inc. is not a necessary or appropriate defendant in this matter and Defendant Putnam County can provide complete relief to Plaintiffs;

WHEREAS, Defendant Putnam County desires to be in compliance with the requirements of the above-referenced laws, and provide appropriate access to persons with disabilities; and

WHEREAS the parties are desirous of resolving the issues without resort to further litigation so that the limited resources of Putnam County may be preserved and utilized to provide greater accessibility for persons with disabilities, rather than on the costs of litigation.



NOW THEREFORE, without any admission of wrongdoing or violations of law by any party, and without any acknowledgment by Defendant Putnam County of the validity of any allegations or claims in Plaintiffs' complaint filed in this action, the parties consent to the entry of this Consent Decree as follows:

I. Defendant Putnam County shall complete modifications of its facilities in accordance with the Schedule below:

- a. Parking: Defendant Putnam County will create seven (7) compliant designated accessible parking spaces, each of which will be 96 inches wide and will have an adjacent access aisle. Defendant will create four (4) compliant access aisles, each of which will be ninety-six (96) inches wide. All designated accessible parking spaces will have compliant signage, including a sign showing the symbol of accessibility that is at least sixty (60) inches from the ground surface to the bottom of the sign. All access aisles will have compliant signage clearly marking the access aisles to indicate that they are not to be used for parking, including a sign stating "No Parking Anytime". Defendant Putnam County will add two (2) compliant designated accessible parking spaces when overflow parking is used for any event, and will provide compliant temporary signage for such spaces. Location of all spaces and access aisles referenced above will be on the upper left side of the driveway when approaching the clubhouse/banquet hall. Such parking modifications shall be completed by September 1, 2017.

- b. Access to the lower level of the clubhouse/banquet hall building: Defendant Putnam County will create two (2) compliant designated accessible parking spaces by the courtyard on the lower level. Defendant Putnam County will also modify the pathway from the new compliant designated accessible parking spaces by the courtyard to the patio on the lower level, so that it is a compliant accessible route. Defendant Putnam County will also replace one (1) of the doors from the patio into the lower level of the clubhouse/banquet hall building so that it is compliant. Defendant Putnam County will provide compliant signage identifying and marking this accessible route that provides access to the lower level. Such modifications for access to the lower level of the clubhouse/banquet hall building shall be completed by December 31, 2017.
- c. Access to the outdoor patio/deck on the upper level: Defendant Putnam County shall modify the existing door and install a compliant ramp with handrails in the room that is on the right side when facing the stage, so that there is access to the outdoor patio/deck on the upper level. Such modifications to provide access to the outdoor patio/deck on the upper level shall be completed by December 31, 2017.
- d. Downstairs women's bathroom: Defendant Putnam County will reduce the current four (4) shower stalls down to three (3) shower stalls, one (1) of which will be made fully accessible. Defendant Putnam County will also add one (1) compliant bathroom stall and install one (1) compliant sink.

The doorways to the women's bathroom will be modified so that they are a compliant width of at least 32 inches and provide compliant access to the women's bathroom. Such modifications shall be completed by December 31, 2017.

- e. Downstairs men's bathroom: Defendant Putnam County will install one (1) compliant sink and one (1) compliant shower stall. Such modifications shall be completed by June 30, 2018.
- f. Stage in main banquet room: Defendant Putnam County will purchase one (1) portable lift to be utilized for access to the stage as needed. Such lift shall be purchased by September 1, 2017.
- g. Front entryway: Defendant Putnam County will modify the front sidewalk to provide 2 compliant ramps. Such modifications shall be completed by December 31, 2017.

2. Defendant Putnam County shall reimburse Plaintiffs the sum of \$17,500.00 for attorneys' fees and costs to the date of execution of this Stipulation. Defendant Putnam County shall remit payment of \$17,500.00 to Plaintiffs' counsel simultaneously with the execution of this Consent Decree.

3. Once Defendant Putnam County has remitted to Plaintiffs the sum referenced in Paragraph 2 of this Consent Decree, Defendant Putnam County shall have no further obligation to Plaintiffs or Plaintiff's attorneys for costs or fees of any kind, unless awarded by the Court pursuant to Paragraph 4, below.

4. In the event that Defendant Putnam County, in any material respect, fails to comply with the Schedule in Paragraph 1 above, Plaintiffs shall notify Defendant, in writing, and Defendant shall have fifteen (15) days, from receipt of the notice, to either (i) come into compliance with the Schedule or (ii) provide a written explanation for the delay in complying with the Schedule. Should Defendant Putnam County fail to do either (i) or (ii), or if Plaintiffs reasonably determine that Defendant's explanation for the delay is lacking in merit, Plaintiffs may make application to this Court for enforcement of this Consent Decree. In the event this Court determines that Defendant Putnam County has failed, in any material respect, to comply with the Schedule, then in that event, in addition to any other relief the Court may provide, Defendant Putnam County shall reimburse Plaintiffs their reasonable costs and attorneys fees for seeking compliance with the Schedule.

5. Simultaneously with the execution of this Consent Decree the attorneys for the parties shall execute a Stipulation of Dismissal in the form provided for in Exhibit "A." The Stipulation of Dismissal shall be held in escrow by the attorney for Defendant Putnam County and shall be filed upon receipt of written acknowledgment from the attorney for Plaintiffs that the Schedule has been completed.

Dated: Putnam County New York  
July 25, 2017

PUTNAM COUNTY

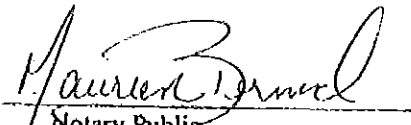
By: Maryellen Odell  
MARYELLEN Odell  
(Print Name)  
County Executive  
(Title)

Dated: Yonkers New York  
July 20, 2017

WESTCHESTER DISABLED ON  
THE MOVE, INC.


By: Melvin R. Tanzman  
Melvin R. Tanzman  
(Print Name)  
Executive Director  
(Title)

Sworn to before me this 25 day  
of July, 2017

  
Notary Public

MAUREEN BERNARD  
Notary Public, State of New York  
No. 01BE6109598  
Qualified in Putnam County  
Commission Expires May 10, 2020

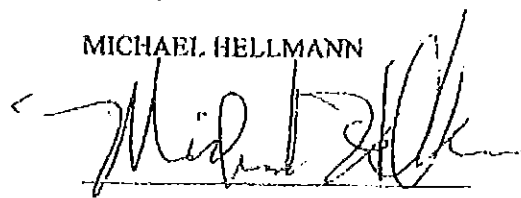
Sworn to before me this 26<sup>th</sup> day  
of July, 2017

  
Notary Public

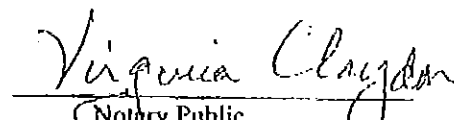
CHARLES M. ITALIANO  
Notary Public, State of New York  
Reg. No. 021T6336087  
Qualified in Westchester County  
Commission Expires 01/26/2020

Dated: \_\_\_\_\_, New York  
July \_\_, 2017

MICHAEL HELLMANN

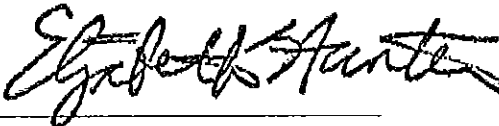


Sworn to before me this 19<sup>th</sup> day  
of July, 2017

  
Notary Public  
# 01E-114706435-  
Exp. 3/30/2019

Dated: White Plains, New York  
August 15, 2017

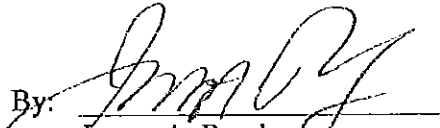
**FRUMKIN & HUNTER LLP**

By: 

Elizabeth E. Hunter  
1025 Westchester Avenue, Suite 309  
White Plains, New York 10604  
*Attorneys for Plaintiffs*

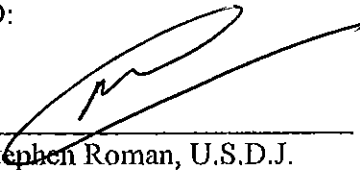
Dated: White Plains, New York  
August 15, 2017

**GAINES, NOVICK, PONZINI,  
COSSU & VENDITTI, LLP**

By: 

James A. Randazzo  
11 Martine Avenue, 8<sup>th</sup> Floor  
White Plains, New York 10606  
*Attorneys for Defendant  
Putnam County*

SO ORDERED:

  
\_\_\_\_\_  
Hon. Nelson Stephen Roman, U.S.D.J.

August 17<sup>th</sup>, 2017